

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

The applicant..... Hospah Coal Co......

P.O. Box 190..... of Battle Mountain.....

Street and No. or P.O. Box No. City or Town

Nevada 89820..... hereby make \$ application for permission to change the

State and Zip Code No.

point of diversion and place of use of a portion.....

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 56401.....

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is underground
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 1.0 c.f.s.
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for mining, milling, and domestic purposes
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for mining, milling, and domestic purposes
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.31N.,
Describe as being within a 40-acre subdivision of public survey and by course and
R. 48E., M.D.B. & M. or at a point from which the NE corner of said Section 8
distance to a section corner. If on unsurveyed land, it should be stated.
bears N. 25°48' E a distance of 2,739.0 feet.
6. The existing permitted point of diversion is located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.32N.,
If point of diversion is not changed, do not answer.
R. 47E., M.D.B. & M. or at a point from which the NE corner of said Section 8
bears S. 45°34'10" E a distance of 380.73 feet.
7. Proposed place of use See Exhibit "A" attached.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use Sections 1-5, 8-15, and 23, T.31N., R.47E., M.D.B. & M. and
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
Sections 32-34 and 36, T.32N., R.47E., M.D.B. & M.
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drill well; install submersible pump,
State manner in which water is to be diverted, i.e. diversion structure,
motor, distribution system, and storage reservoir
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works in excess of \$100,000
13. Estimated time required to construct works three (3) years

14. Estimated time required to complete the application of water to beneficial use five (5) years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Water will be used for mining, milling, and domestic purposes. This may
include heap leaching, milling, and domestic purposes.

Compared cl/bk

cl/cmg

Desert Mountain Surveying as agent
By John H. Milton III, P.L.S., S.W.R.S.
By s/ John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Protested _____

APPROVAL

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 56401 is issued subject to the terms and conditions imposed in said Permit 56401 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 52586, 61312, 61313, 61314 and 61315 shall not exceed 2,172.0 acre-feet annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second but not to exceed 724.0 acre-feet
annually.

Work must be prosecuted with reasonable diligence and be completed on or before April 30, 1997

Proof of completion of work shall be filed before May 30, 1997

Application of water to beneficial use shall be made on or before April 30, 1998

Proof of the application of water to beneficial use shall be filed on or before May 30, 1998

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

WITHDRAWN BY APPLICANT

JUN 04 2002

Turnipseed, P.E.

DL
 STATE ENGINEER

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 25th day of April

A.D. 1996

R. Michael Turnipseed, P.E.
 State Engineer

(PERMIT TERMS CONTINUED)

be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.

The permittee will revise the current monitoring plan to include the new point of diversion granted by this permit. As previously required, the monitoring plan must specify: (1) which sources are to be measured (2) the background information already gathered (3) the method of measurement, and (4) the projected frequency of measurements. The monitoring plan must show what, if any, impacts the pumping of water for this project has on existing rights.

The State Engineer will retain the right to require additional monitoring of water levels in observation and monitor wells and of flow rates of surface sources. The permittee, on a schedule acceptable to the State Engineer, will prepare and present an update on the activities of the mine and the monitoring on a periodic basis, but not less than two times per year.

Hospah Coal Co.
Amended Application 61312
Exhibit "A"
Proposed Place of Use

61312

Item 7.

Sections	Township	Range
27, 28, 33, and 34	T.32N.	R.46E.
3, 10, 11, 13, 14, and 24	T.31N.	R.46E.
8, 17, 20, 28-34, 36, and the E½ and E½ W½ of Section 18	T.32N.	R.47E.
1-23 and 26-30	T.31N.	R.47E.
36	T.32N.	R.48E.
1-12, 17, and 18	T.31N.	R.48E.
31	T.32N.	R.49E.
5-8	T.31N.	R.49E.